

Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for the
Zanker Material Processing Facility

SWIS No. 43-AN-0001

December 30, 2014

Background Information, Analysis, and Findings:

This report was developed in response to the City of San Jose, Department of Planning, Building, and Code Enforcement, Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Zanker Material Processing Facility, SWIS No. 43-AN-0001, located in the City of San Jose and owned and operated by Zanker Road Resource Management, Ltd. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on November 4, 2014. A new proposed permit was received on December 3, 2014. Action must be taken on this permit no later than February 1, 2015. If no action is taken by February 1, 2015, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (1998)	Proposed Permit
Permitted Operations	Landfill Disposal Site Material Recovery Facility Processing Facility	Solid Waste Disposal Site Transfer/Processing Facility (MRF)
Permitted Hours of Operation	Resource Recovery Operations: 6:00 am – 10:00 pm (if needed), 7 days a week Equipment Maintenance: 10:00 pm – 6:00 am (if needed), 7 days a week	Resource Recovery Operations: 6:00 am – 12:00 midnight, 7 days a week Facility Operating Hours: 24 Hours/Day, Monday through Sunday, start time 12:00 am
Permitted Maximum Tonnage	1,250 Total Tons per Day 350 tons per day Disposal	1,800 Tons per Day (tpd) maximum limit of all materials through the gate. 350 tpd maximum limit of landfilled or buried material.
Permitted Vehicles	Equivalent of 1,250 Tons per Day	Traffic will be regulated by CCR, T14 Section 17418.3
Remaining Capacity (cubic yards)	540,100 Cubic Yards	640,000 Cubic Yards
Maximum Elevation	48 Feet MSL	80 Feet MSL
Estimated Closure Date	2018	2025

Other Changes include:

1. Updates to the documents that describe and/or restrict the operation of the facility.
2. Updated permit conditions correcting outdated language.

Key Issues

The proposed permit will allow for the following:

1. Increase the daily incoming tonnage to a maximum of 1,800 tons per day.
2. Increase the height of the on-site landfill from the currently permitted 48-feet MSL to a maximum of 80-feet MSL, which results in a net total capacity increase of approximately 600,000 cubic yards.
3. An increase in hours for Resource Recovery Operations from 6:00am to 10:00pm 7 days per week to 6:00am to 12:00am 7 days per week.
4. Extension of the estimated Closure date from 2018 to 2025.
5. Addition of inbound scale to existing scale-house operations.

Background

The Zanker Material Processing Facility is an existing Solid Waste Disposal Facility situated on a 52.6 acre site at 675 Los Esteros Road, City of San Jose, Santa Clara County. The SWFP currently allows maximum receipt of 1,250 tons per day (TPD) of waste and an equivalent of 1,250 TPD maximum traffic volume. The facility is permitted to accept construction and demolition debris, wood waste, mixed debris and soil generated from throughout the San Francisco Bay area.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated October 23, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on June 28, 2013. The LEA provided a copy to the Department on November 4, 2014. The changes	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	identified in the review are reflected in this permit revision.	
21685(b)(3) Solid Waste Facility Permit	Staff received proposed Solid Waste Facilities Permits on November 4, 2014 and December 3, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on November 4, 2014, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the <i>Countywide Siting Element</i> , as described in their memorandum dated December 4, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(5) Preliminary or Final Closure Plan Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit have found the Preliminary Closure/Postclosure Maintenance Plan consistent with State Minimum Standards as described in their memorandum dated August 26, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	Engineering Support Branch staff in the Closure and Facility Engineering Unit have found the written estimate to cover the cost of known or reasonable foreseeable corrective action is approved as described in their memorandum dated September 8, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances for closure, postclosure and corrective action in compliance as described in their memorandum dated December 30, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Insurance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated December 30, 2014.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on November 25, 2014. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on November 4, 2014, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on September 24, 2014. No written comments were received by LEA. Oral comments were addressed by LEA staff. One written comment was received by Department staff. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on November 25, 2014, and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2009 – 2014 - No violations were noted.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of San Jose, Department of Planning, Building, and Code Enforcement, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include:

1. Increase the daily incoming tonnage from 1,250 tons per day to a maximum of 1,800 tons per day.

2. Increase the height of the on-site landfill from the currently permitted 48-feet MSL to a maximum of 80-feet MSL, which results in a net total capacity increase of approximately 600,000 cubic yards.
3. An increase in hours for Resource Recovery Operations from 6:00am to 10:00pm 7 days per week to 6:00am to 12:00am 7 days per week.
4. Extension of the estimated Closure date from 2018 to 2025.
5. Addition of inbound scale to existing scale-house operations.

The proposed changes are supported by the following environmental documents:

- Environmental Impact Report (EIR), State Clearinghouse No. 2007022071
- Subsequent Mitigated Negative Declaration (MND), State Clearinghouse No. 2009102050
- Addendum to the 2008 FEIR and the 2009 MND

An Environmental Impact Report (EIR), State Clearinghouse No. 2007022071, was circulated for a 45 day comment period from October 2, 2007 to November 16, 2007. This Final EIR analyzed the following proposed changes:

- Increase in the peak daily tonnage received and processed (maximum gate capacity) from 1,250 tons per day to 5,000 tons per day.
- The construction of a 200,000 square foot Materials Recovery Facility (MRF) building.
- Allow site operations to occur 24 hours per day, seven days per week.
- Allow the acceptance, transfer off-site, and the possible future screening and sorting of green/yard waste and municipal solid waste (MSW) including food waste inside the MRF building.
- Relocate and expand the scale house facilities to accommodate the proposed increase in daily tonnage and allow for three inbound scales and one outbound scale (four scales total).

The EIR did not identify significant and unavoidable impacts. The Final EIR was certified/adopted by the Lead Agency on January 30, 2008.

Subsequent to adoption of the 2008 Final EIR, a Mitigated Negative Declaration (MND), State Clearinghouse No. 2009102050, was circulated for a 30 day comment period from October 14, 2009 to November 12, 2009. This project proposed some modifications to the geometry of the existing driveway from Los Esteros Road. The revision to the previously approved project included establishment of a wetland mitigation area west of the landfill that would off-set impacts to a seasonal wetland related to the driveway realignment. Modifications to the driveway allow for additional truck scales west of the planned MRF building. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigation, Monitoring and Reporting Program. The MND, together with the Mitigation Monitoring Program, was approved by the Lead Agency on December 2009.

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose prepared an Addendum to the 2008 FEIR and the 2009 MND because minor changes made to the project, as described below, did not raise important new issues about the significant impacts to the environment.

Changes to previously approved project:

- Increase the landfill height from 48 feet above mean sea level (MSL) to 80 feet MSL.
- Increase in remaining landfill capacity from 62,000 cubic yards to 700,000 cubic yards.
- Phased increase in maximum tons per day (TPD) of waste processed. Phase 1 – 1,250 TPD to 1,800 TPD, Phase 2 – 1,800 TPD to 3,600 TPD, and Phase 3 – 3,600 TPD to 5,000 TPD.
- Construction of MRF building in two phases. Phase 1 – Construction of MRF building of up to 112,000 square feet, Phase 2 – Expansion of MRF building up to 200,000 square feet.
- Extension of landfill closure date from 2021 to approximately 2031.

Based on the proposed project description and knowledge of the project site, the Lead Agency concluded that the proposed project would not result in any new impacts not previously disclosed in the FEIR. This Addendum was not circulated for public review, but was attached to the FEIR for the Zanker Material Recycling Facility Project.

The City of San Jose LEA has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the Final Environmental Impact Report, Subsequent Mitigated Negative Declaration and Addendum as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the Final Environmental Impact Report adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on September 24, 2014, at the Alviso Library located at 5050 N. 1st Street, in the City of

San Jose. Seven members of the public were in attendance. The questions asked by the public were related to the permitting process and clarification of the proposed project. The LEA and/or operator responded to and addressed all oral questions. No written comments were received by the LEA. One written comment was received by Department staff via email regarding odor and to deny the permit application. In response, the LEA and Department do not have authority with regard to odors and based on the information provided in the application package and as supported in this staff report, there are no grounds for the Department to object to the concurrence in the revised SWFP pursuant to PRC 44009(a)(2).

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meetings on November 18, 2014 and December 16, 2014. No comments were received during the meetings.